

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEE KNOWLIN,

Plaintiff,

v.

ORDER

09-cv-531-wmc

JULIANNE WURL-KOTH, Program
Services Director, Department of Corrections;
MARK HEISE, Corrections Services
Manager, Bureau of Offender Classification
and Movement; GERALD KONITZER,
Sector Chief, Bureau of Offender Classification
and Movement;

Defendants.

Judgment was entered on September 10, 2010, granting defendants' motion for summary judgment and dismissing this case. Now Knowlin has filed a notice of appeal and a request for leave to proceed on appeal *in forma pauperis*.

Knowlin's request for leave to proceed *in forma pauperis* on appeal is governed by the 1996 Prison Litigation Reform Act. This means that the court must determine first whether his request must be denied either because (1) he has three strikes against him under 28 U.S.C. § 1915(g) or (2) the appeal is not taken in good faith. Knowlin does not have three strikes against him, and the court is unable to certify that the appeal is not taken in good faith.

The only other hurdle to Knowlin's proceeding with his appeal *in forma pauperis* is the requirement that he make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period

immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Knowlin has not submitted the necessary trust fund account statement. Until he does so, the court cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that Knowlin may have until October 22, 2010, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately April 1, 2010 to approximately October 1, 2010. If, by October 22, 2010, Knowlin fails to submit the required trust account statement or show cause for his failure to do so, then the court will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 5th day of October, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge